such essential qualification in favour of S. Csand S. Ts. will not be inconstistent with efficiency, the qualification of experience may be relaxed in faveur of S. Cs and S. Ts. candidates by amending the rules.

12. Instruction have been issued to announce over all India Radio all advertised vacancies reserved for S.Cs/S. Ts. by the Public Service Commission, the Departmental Recruitment Committees and other recruiting authorities.

Ruling by the Speaker L. A.

re : a question of privilege due to alleged interference by the C. M. and the Government whip with the working of the P. U. C.

MADAM SPEAKER.—On 14th June, 1977 Hon'ble Member Sri K. Puttaswamy sought my consent to move privilege motion arising out of a letter dated 3rd May, 1977 stated to have been written by a Member of the Legislative Council Sri M. C. Perumal, who is also the Government Chief Whip in the Legislative Council, to the Members of the Public Undertaking Committees which is a Commitee consisting Members from both Houses. The Letter which is the basis for the question of privilage is as follows :

"Dear friend,

You are the Member of the Public undertaking Committee.

There is possibility that the Chairman of the Committee may finalise report/s and seek your signature to the report.

In this connection, I am desired by the Leader to take instructions from the Leader or the concerned Minister before you sign the report.

Please treat this as confidential and very urgent".

Sri K. Puttaswamy contended that the Chief Minister and Sri M. C. Perumal had interfered with the functioning of the Committee on Public Undertakings and therefore they were guilty of breach of privilege of the House.

I stated on that day that since the letter was stated to have been written under directions of the Leader of the Congress Legislature Party who is the Chief Minister, I should hear him before I gave my decision

Accordingly, on 15th June, 1977, the Chief Minister made a statement stating, *inter alia*, that he had not given any instructions to the Government Whip to write the letter in question. The Chief

Minister, however, argued that the letter by itself did not involve any question of privilege because, according to the Chief Minister, in the said letter there was no attempt to influence the members by improper means in their parlimentary conduct.

Sri K. Puttaswamy contended that Sri M. C. Perumal was guilty of breach of privilege although the Chief Minister had denied that he had given any directions to the Government Chief Whip. One additional argument that Sri Puttaswamy advanced on the basis of a resolution of the House of Commons was "that no act done at any Committee should be divulgad before the same be reported to the House and that the evidence taken by any Select Committee of this House and documents presented to such Committee and which have not been reported to the House ought not to be published by any Member of such Committee or by any other person". He was trying to establish that this privilege of the House of Commons which is applicable to our country and our Legislature has been violated in the instant case.

Sri K. Puttaswamy submitted that the letter curtailed the freedom of expression and freedom of action of the Hon'ble Member of the Committees by an Authority outside the Committee.

Hon'ble Leader of Opposition Sri H. D. Deve Gowda and Sri M. S. Krishnan also urged me to give consent to the privilege motion.

After hearing several members I stated that I would give my ruling later,

I have given the matter my utmost consideration. I have tried to ascertain whether there are any parallel rulings of my brother Presiding Officers either in our Country or in the House of Commons.

Article 194 of the Constitution defines the powers, privileges, etc., of the Houses of Legislature and of the Members of the Committee thereof. Clause (3) of the article states that ' the powers, privileges and immunities of a House of the Legislature of a State, and of the Members and the Committees of a House of such Legislature, shall be such as may, from time to time, be defined by the Legislature by Law, and, untill so defined shall be those of the House of Commons of Parliament of the United Kingdom, and of its Members and Committees, at the commencement of this Constitution"

This provision of the Constitution makes one position clear that the Committee of the Legislature have the same powers and privileges as those of the House of Commons till such time new privilege be evolved by the House.

The object of Parliamentary privilege is to safeguard the authority and the dignity of Parliament. Privileges are necessary for the proper exercise of the functions entrusted to parliament by the Constitution.

Before considering the question as to whether there is any *prima facie* question of privilege in the matter raised I wish to explain to the House the system of Parliamentary Committees that we are having. Parliamentary Committees perform a very useful role in discharging certain functions of the House which the House by itself cannot do for several reasons, such as want of time, want of neeessary expertise etc.

One other important factor which distinguishes a committee from the House is that the atomsphere which prevails in the committee is more informal than that in the House. The committees function in a non partisan atomsphere, which is not possible in the House. As several members observed the committees particularly the Financial Committees produce unanimous reports which acquired a very high reputation. Hon'ble Members of Legislature have been quoting profurely from the reports of the committees of Legislature during debates and thereby, the debates of the House have been very illuminating and educative. The very existence of the financial committees namely, the Public Undertakings Committee, the Public Accounts Committee and the Estimates Committee have acted as a deterrent to the executive in wreckless spending of government moneys. I may repeat, this has been possible because of the informal and non-partisan atmosphere that permeates the deliberations of the committee.

Having said this much about the system of our committees, I would like to come to the point as to whether a letter of the kind written by Sri M. C. Perumal which is regarded as a whip to the members of the committee will constitute a breach of privilege. As I said earlier, I have tried my best to ascertain whether there are any parallel rulings. I am sorry I have not been able to get one which covers anidentical case of this nature. Two or three cases whice are slightly similar to the case on hand are as follows :

"In Lok Sabha on 1st August 1973 some members sought to raise a question of privilege on the ground that the Congress Parliamentary Party Executive Committee was reported to have issued a directive to it members not to hobnob with the members of the Opposition. They contended that the Central Hall and the Lobbies of Parliament were places meant for free exchange of ideas among members and any hinderance imposed in this respect amounted to *curtaliment of rights*

and pr.vileges of the members. The then Speaker of the Lok Sabha Dr. G. S. Dhillon disallowing the question of privilege stated *inter alia* as follows.—

"How can you bring it up as a privilege motion ? If something happended inside the party executive meeting, it is a party affair. I do not allow it. Every party has a right to issue direction to its members. A privilege motion should not arise unless a member comes to me and says to me that due to this he is obstructed from the discharge of this duties. That direction is meant only for Congress members. If any Congress member come to me and says thot he is obstructed or if anybody else comes to me and says that this statement is causing obstruction in the performance of his duties as a member of Parliament, that is understandable. Why should you worry ? It is another party. They have a right to discuss everything in their party meetings, in their party executive committee meetings and they have the right to issue directions to their partymen. If any of their par ymen resents it and comes to me and says : this is not a mere direction, it is an obstruction in the performance of my duties as a member, then I shall consider it. So far there is no such thing."

In the House of Commons on 1-2-1967, a member sought to raise a question of privilege on the ground that on the previous night, when a count of the House was called, a Government Whip prevented members from entering the chamber. The Speaker of the House of Common ruled that there was no *prima facie* case of breach of privillege. He stated that it was not unknown far Whips to use their powers of pursuasion in dealing with their fellow members and therefore he did not think. it constituted any infringement of the Rules and Practices of the House.

On 21st April 1965 a member of the Lok Sabha complained that on 19th April 1965 Sri J. B. Kripalani another member said in the House that Sri J. L. Nanda, the Ministers of Home Affairs had told Sri R. R. Morarka, Chairman, Public Accounts Committee, before several members in the Lobby that the Public Accounts Committee Report on Bharat Sewak Samaj was prejudical and that he (Sri Morarka) was working against the interest of Congress. Sri Yadav contended that as this allegation had been contradicted either by Sri Nanda or by Sri Morarka, although both were present in the House when Sri Kripalani mentioned it, Sri Nanda's statement was a serious breach of privilege of the House and of its Committee.

The Speaker, Lok Sabha ruled as follows :

"So far as this question is concerned, if any intimidation is caused, or is intended or is likely to be caused, to the Chairman of any Parliamentary Committee, certainly it is a breach of privilege. Sri Nanda has said, as I have read now, that he wanted to convey it to a member of his own party and it cannot be said that because he is the chairman of a Committee, he is not a party member, Smt. Renu Chakravarthy has said that the moment he becomes a Chairman he ceases to be a member of the Congress. Yet, we have to function on party lines. There might be some meetings held inside the Central Hall. There are some rooms where the parties also hold their meetings. If theys sit down and criticise each other, if some member overhears it and brings it up here, of course, that would not be a subject of breach of privilege."

Hon'ble Minister Sri H. M. Channabasappa also pointed out on 14th June 1977 when the matter was raised that in a democratic set up the party leader has always a right of giving whip to the members of his party as to how they should vote and how to shape the policies and porgrammes.

A careful consideration of the cases which I have quoted above and similar other cases which I have gone through, makes me feel that the matter proposed to be raised by Sri K. Puttaswamy does not involve a question of privilege according to the accepted definition of the term under the Constitution and as it is understood in Parliamentary parlance, Within the frame work of the party system that we are having it is difficult to conceive that there is any intimidation or threat to or undue influencing of a member in the discharge of his duties as a member. However, I hasten to observe that we must try to conserve the salutary tradition built up over the years the system of parliamentary committees that we are having where the issues are not approached on the basis of parties. Ileaev it to the House as to how best to develop this tradition by mutual goodwill. The object of Parliamentary committees particularly financial committees is to improve efficiency in adminstration. We should help the committees in this task.

As regards the argument which was raised by Sri H. D. Deve Gowda that Sri M. C. Perumal who has written the letter should be asked by the Privileges Committee of the House to explain as to why he had written a letter like the one which is under consideration, I may point out for the information of the House that, it is an established procedure that whenever a question of privilege is raised against a member of another House, the matter, if it is a fit case, has

to be referred to the particular House for dealing it, as if it is a breach of privilege of its own House. In view of my ruling this question does not arise.

The argument of Sri K. Puttaswamy that disclosure of the contents of report before its presentation to the House would be a breach of privilege will not also arise because the notice does not indicate that there has actually been any disclosure as such

I appeal to the House to close the matter with this.

Budget Estimates for 1977-78
Demands for Grants

Demand No 23 and 24, (Debate Continued)

† ಶ್ರೀ ಬಿ. ವಿ. ಕಕ್ಕಿಲಾಯ (ಬಂಟ್ವಾಳ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಮಾನ್ಯ ಆರೋಗ್ಯ ಸಚಿವರು ತಂದಿರುವಂತಹ ಬೇಡಿಕೆಗಳನ್ನು ನಾನು ಬಹಳ ವ್ಯಸನ ಪೂರ್ವಕವಾಗಿ ವಿರೋಧ ಮಾಡಬೇಕಾಗಿದೆ. ಆರೋಗ್ಯ ಇಲಾಖೆಗೆ ಇನ್ನು ಹೆಚ್ಚಿನ ಹಣದ ಆಗತ್ಯತೆ ಇದೆ. ಮುಖ್ಯವಾಗಿ ಗ್ರಾಮೀಣ ಜನರಿಗೆ, ಮಿತ್ರರಾದ ಪುಟ್ಟಪ್ಪದಾಸ್‌ರವರು ಹೇಳಿದಂತೆ, ಆರೋಗ್ಯ ಇಲಾಖೆ ತನ್ನ ಕೆಲಸಗಳನ್ನು ನಡೆಸಬೇಕಾದರೆ, ಇನ್ನೂ ಹೆಚ್ಚು ಹಣಬೇಕು. ಆದರೆ, ಆ ಇಲಾಖೆಯ ಕೆಲಸಕಾರ್ಯಗಳನ್ನು ನೋಡಿದರೆ ಕೊಟ್ಟಿದ್ದೇ ಈಗ ಹೆಚ್ಚಾಯಿತೇನೋ ಎಂದು ಅನಿಸುತ್ತದೆ. ಆದುದರಿಂದ ನಾನು ಬಹಳ ವಿಷಾದದಿಂದ ಈ ಬೇಡಿಕೆಯನ್ನು ವಿರೋಧಿಸಬೇಕಾಗಿದೆ. ಮೊದಲನೆಯದಾಗಿ ನನ್ನ ಮಿತ್ರರಾದ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪನವರು ಮಾತನಾಡುತ್ತಾ ಇದರ ವಿಚಾರದಲ್ಲಿ ಒಂದು ನಿರ್ಣಯವನ್ನು ಕೂಡ ಮಂಡಿಸಿದ್ದಾರೆ. ಈ ನಿರ್ಣಯದ ಬಗ್ಗೆ ನಾನು ಹೇಳುವುದೇನೆಂದರೆ, ಬೆಳಗಾಂನಲ್ಲಿರುವ ಕೆ.ಎಲ್.ಇ. ಮೆಡಿಕಲ್ ಕಾಲೇಜಿನ ವ್ಯವಹಾರದಲ್ಲಿ ಮಾನ್ಯ ಸಚಿವರು ಕೈಹಾಕಿದರು. ವೈಯಕ್ತಿಕವಾಗಿ ಲಾಭದ ದೃಷ್ಟಿಯಿಂದ ತನಿಖೆ ನಡೆಸಬೇಕೆಂಬುದೇ ನಿರ್ಣಯದ ಸಾರಾಂಶ ವೈಯಕ್ತಿಕವಾಗಿ ಮಾನ್ಯ ಸಚಿವರು ಇದರಲ್ಲಿ ಆಸಕ್ತಿವಹಿಸಿದ್ದಾರೆಯೋ ಇಲ್ಲವೋ ಅದು ನನ್ನ ಗಮನಕ್ಕೆ ಬಂದಿಲ್ಲ ಅದರ ಬಗ್ಗೆ ನಾನು ಏನು ಹೇಳುವುದಕ್ಕೆ ಹೋಗುವುದಿಲ್ಲ ಆದರೆ ಕೆ.ಎಲ್.ಇ. ಸೊಸೈಟಿ, ಬೆಳಗಾಂ ಅವರ ವ್ಯವಹಾರದಲ್ಲಿ ನಮ್ಮ ಗಮನಕ್ಕೆ ಬಂದಿರುವ ರೀತಿಯಲ್ಲಿ ಮಾನ್ಯ ಸಚಿವರು ಕೈಹಾಕಿರುವುದು ಎಂದರೆ ಅದಕ್ಕೆ ಪ್ರವೇಶನದ ಶುಲ್ಕ ನಿಗಧಿ ಮಾಡುವುದು ಮತ್ತು ಅಕ್ರಮವಾಗಿ ಅಂದರೆ ಕ್ರಮಬದ್ಧವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ಶುಲ್ಕ ವಸೂಲು ಮಾಡುವುದನ್ನು ತಡೆಹಿಡಿಯುವುದು, ಇಂತಹವುಗಳ ಬಗ್ಗೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಮಾನ್ಯ ಸಚಿವರು ಕೊಟ್ಟರತಕ್ಕ ಹೇಳಿಕೆಯಲ್ಲಿ ವ್ಯಕ್ತವಾಗುತ್ತದೆ. ಆ ಬಗ್ಗೆ ನನ್ನ ಅಭಿಪ್ರಾಯವೇನೆಂದರೆ ನಮ್ಮ ರಾಜ್ಯದಲ್ಲಿನ ಬೆಳಗಾಂ ಕಾಲೇಜು ಒಂದೇ ಅಲ್ಲ, ರಾಜ್ಯದಲ್ಲಿರತಕ್ಕ ಎಲ್ಲಾ ಮೆಡಿಕಲ್ ಕಾಲೇಜುಗಳ ಬಗ್ಗೆ ಇನ್ನೂ ಕಟ್ಟುನಿಟ್ಟಾದ ಕ್ರಮವನ್ನು ಸರ್ಕಾರ ತೆಗೆದುಕೊಳ್ಳಬೇಕು ಎನ್ನುವುದೇ ನನ್ನ ಅಭಿಪ್ರಾಯ. ಮಾನ್ಯಸಚಿವರು ಈ ವರ್ಷದ ಪಂಟ್ಟಿಗೆ ಕೊಟ್ಟಿರತಕ್ಕ ನಿರ್ದೇಶನದ ಪಂಟ್ಟಿಗೆ..."The present practice of admissions may be continued to fill up the seats meant for the Society as well as for admission of foreign students in the Manipal Section of Kasturba Medical College, Except these, all admissions shall be on the base of Merits." ನೋಟ್ ಅಂಥ ಸರ್ಕಾರದ ಆಜ್ಞೆಯನ್ನು ಏನು ಹೊರಡಿಸಿದ್ದೀರಿ, ಅವನ್ನು ಇದರಲ್ಲಿ ಹೇಳಿದ್ದೀರಿ. ಈ ಒಂದು ಆಜ್ಞೆಯನ್ನು ಪೂರ್ತಿ ನೋಡಿದರೆ ನಮಗೆ ಏನು ಕಾಣಿಸುತ್ತದೆ ಎಂದರೆ ಒಂದೆ ನಮ್ಮ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ೫ ಸಾವಿರ ರೂಪಾಯಿ ಇದ್ದುದನ್ನು ಮತ್ತೆ ರಾಜ್ಯದ ಹೊರಗಿನ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ೭½ ಸಾವಿರ ರೂಪಾಯಿ ಇದ್ದುದನ್ನು ಹೆಚ್ಚಿಸಿದ್ದಾರೆ. ಎರಡು ಮೂರು ವರ್ಷದಿಂದ, ಕರ್ನಾಟಕ ರಾಜ್ಯದ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ೫ ಸಾವಿರ ರೂಪಾಯಿ ಇದ್ದುದನ್ನು ೧೦ ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ಏರಿಸಿದ್ದಾರೆ. ಮತ್ತೆ ರಾಜ್ಯದ ಹೊರಗಿನ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ೭½ ಸಾವಿರ ರೂಪಾಯಿಗಳು ಇದ್ದುದನ್ನು ೩೫ ಸಾವಿರಕ್ಕೆ ಏರಿಸಿದ್ದಾರೆ. ಇದು